

Rhode Island HIT Steering Committee

December 16, 2021

**RHODE
ISLAND**

Agenda

- Welcome
- Review of the Minutes
- Brief Project Updates
- Discussions:
 - Race and Ethnicity Data Standardization
 - CurrentCare – Opt Out Legislation Implementation
- Next Steps and Next Meeting
- Public Comment

Project Updates

Race and Ethnicity Data Standardization

CurrentCare Opt-Out Legislation Implementation

Exceptions: Emergency Access

2021 STATUTE

(b) The opt out does not apply to disclosures in the following situations:

- (1) To a healthcare provider who believes, in good faith, that the information is necessary for diagnosis or treatment of that individual in an emergency;** or
- (2)** To public-health authorities to carry out their functions [... which] include, but are not restricted to, investigations into the causes of disease, the control of public-health hazards, enforcement of sanitary laws, investigation of reportable diseases, certification and license of health professionals and facilities, review of health care such as that required by the federal government and other governmental agencies, and mandatory reporting laws set forth in Rhode Island general laws; or
- (3)** To the RHIO in order for it to effectuate the operation and administrative oversight of the HIE; and
- (4)** To a health plan, if the information is necessary for care management of its plan members, or for quality and performance measure reporting.

Existing Override Consent Feature

- If patient enrolled by selecting:

OPTION #2: ONLY EMERGENCY SITUATIONS

I authorize any and all health care providers/organizations access to my health information through **currentcare** only in an emergency or unscheduled event on a temporary basis.

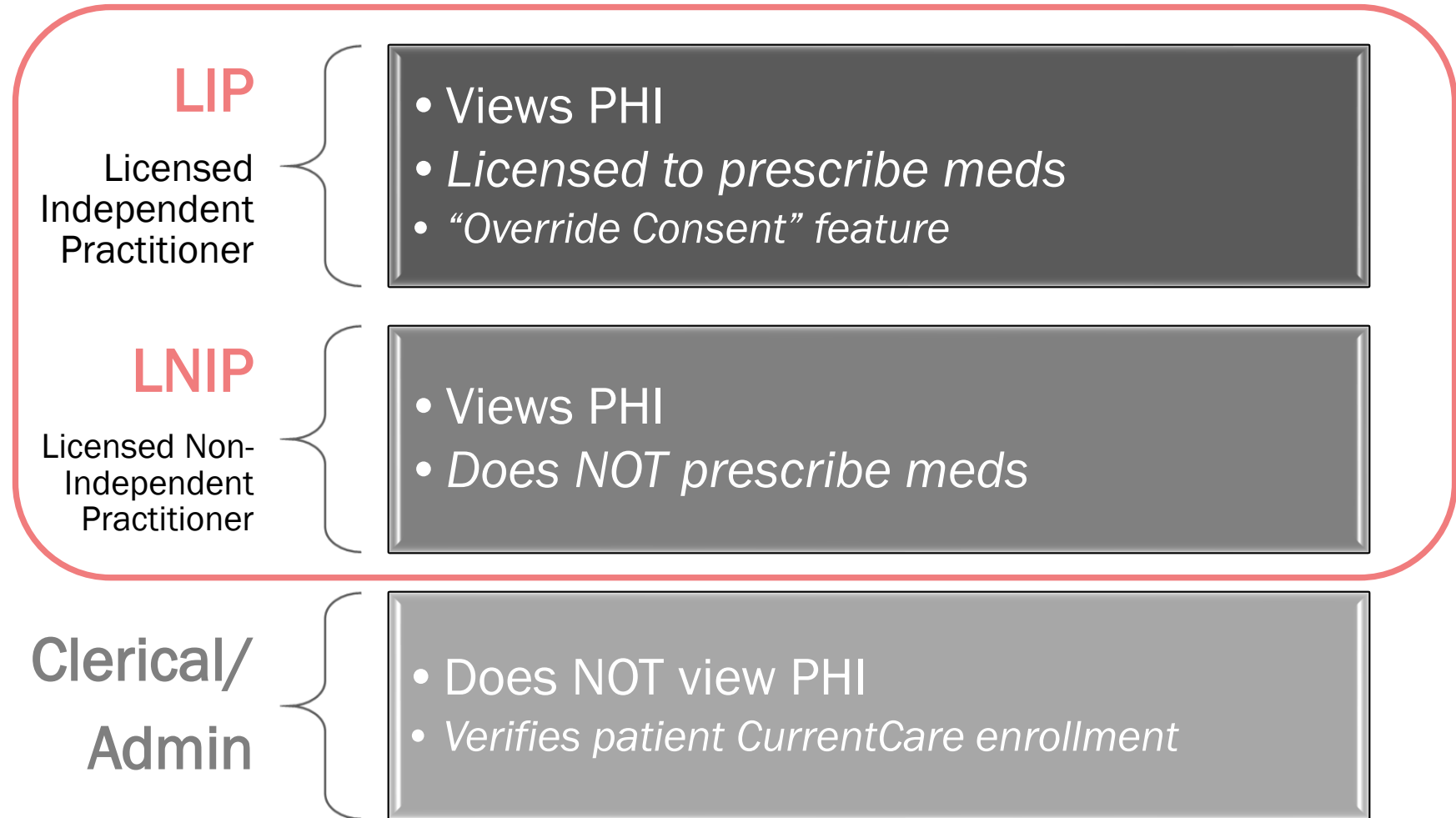
- The patient's name may not show in the search result:

A screenshot of the "Override Consent Policy" settings form. The form is titled "Override Consent Policy" and has a checked checkbox. Below the title, there are several fields: "Relationship*" is a dropdown menu set to "Primary Provide"; "Notification Type*" has three radio button options: "Patient/Guardian Notified", "Authorization not obtained, provider to notify patient.", and "Authorization not obtained, notification not performed." At the bottom, there are two asterisked notes: "* indicates required field" and "* session will be audited". A red arrow points from the search result note in the previous image to this form.

A licensed prescriber can opt to “override consent” *in an emergency*

This process is monitored by RIQI’s Compliance/HIPAA Privacy Officer

Existing CurrentCare Levels of Access



Discussion: Emergency Access

- Major shift from affirmative consent for emergency access to passive statutory-allowed access even when opted-out
 - Remember that RIQI will now be able to retain **all data** it receives
- Are prescribers still the right level to give emergency access to?
- How should we define “necessary for diagnosis or treatment of that individual in an emergency”?
 - Currently, HIPAA and 42 CFR Part 2 both defer to clinician judgement
- Does this introduce any new impacts on provider workflows for the consent process?
 - How can we most effectively communicate this to patients?

HIE Advisory Commission

- Next Meeting: January 27, 2022
- Public Meeting - option to join virtually
- Plan to discuss behavioral health data sharing options



NEXT STEPS for the HIT STEERING COMMITTEE

Next Meeting: January 20th at 4:00 pm

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